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U.S. 1ST CIRCUIT COURT OF APPEALS

Government Benefits, Health Law

Mayhew v. Burwell, No. 14-1300

In this case, the Maine Department of Health and Human Services (MDHHS) proposed an amendment in which it sought to drop Medicaid coverage for 19 and 20-year old children whose families met low-income requirements. The federal Department of Health and Human Services (DHHS) disapproved of the amendment, stating that it plainly violates a maintenance-of-effort (MOE) provision of the Affordable Care Act, 42 U.S.C. section 1396a(gg). Petition for review is denied, where: 1) the MOE provision as applied here does not create a new program and falls within Congress's express reservation of power to "alter" or "amend" the terms of the Medicaid statute in its coverage of previously covered groups; 2) Maine was on notice that an incremental alteration of Medicaid might change the conditions on participation in the Medicaid program in the way that the MOE provision has; and 3) any disparate treatment caused by the MOE provision is sufficiently related to the problem that the statute was designed to address.